IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1781 of 2005

Between:

M.Ramakrishna Reddy S/o Subbarami Reddy
Resident of No.III-145-2B, A.V.Naidu Colony, Madanapalle,

Chittoor District.

... PETITIONER

AND

1 The Government of Andhra Pradesh, rep.by its Prl.Secretary,

Panchayat Raj Department, Secretariat, Hyderabad.
2 The Executive Engineer, Panchayat Raj Dep.,

Madanapalle Divison, Madanpelle, Chittoor District.
3 The Superintending Engineer, Panchayat Raj Department,
Kadapa.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue appropriate writ, order or direction, more particularly writ of Mandamus declaring the action of the respondents in not settling the amounts in terms of the agreement No.26/2002-2003, dt. 29/11/2002 for the work of providing BT Surface to the road from Pedaballe road to Mandalavare Palle, as illegal, arbitrary and unconstitutional, and issue consequential direction directing the respondents herein to settle an pay the same within a fortnight from the date of the receipt of the orders from this Hon'ble court and pass such further or other orders as this Hon'ble court deems just and proper.

Counsel for the Petitioner: MR.J.PRABHAKAR

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

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O R D E R:

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The petitioner was awarded a civil contract to provide B.T. surface to a road, by the third respondent herein. An agreement was entered into on 29.11.2002. Petitioner states that he completed the work within the extended time, according to the specifications. His grievance is that even after completion of the work, the respondents have not settled the bill. He seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

The question as to whether the work executed by the petitioner suffers from any defect, or infirmity, cannot be adjudicated by this Court in writ petition. However, if there did not exist any complaint, as to the completion of the work, the respondents cannot withhold the bill payable to the petitioner. If there are any reasons for withholding the bill to the petitioner, the same need be communicated in writing to him, so that he can work out his remedies. The matter cannot be kept pending indefinitely.

Hence, the writ petition is disposed of, directing the respondents to finalise the matter relating to the payment of the bill for the work assigned to the petitioner, under the agreement dated 29.11.2002, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

29th April 2005

Note: Issue copy in three days.

(B/o)

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To

1 The Prl.Secretary, Government of Andhra Pradesh,

Panchayat Raj Department, Secretariat, Hyderabad.

2 The Executive Engineer, Panchayat Raj Department,

Madanapalle Divison, Madanpelle, Chittoor District.

3 The Superintending Engineer, Panchayat Raj Department, Kadapa.

4 Two C.Cs. to the Government Pleader for Panchayat Raj,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies